

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

IN RE:	§	
	§	
SCOTT VINCENT VAN DYKE,	§	CASE NO. 21-60052
	§	
Debtor	§	

MICHAEL L. NOEL’S OBJECTION TO
PLAN OF REORGANIZATION
[Relates to Docket No. 66]

Michael L. Noel (referred to as “Dr. Noel”) files this Objection to the Plan of Reorganization filed by **Scott Vincent Van Dyke** (“Van Dyke” or the “Debtor”), and would respectfully show the Court the following:

1. **The Plan lacks any feasibility.** The Plan fails to comply with 11 USC §1129(a)(11). The Plan supposes that Texas Petroleum Operations LLC – wholly-owned by Van Dyke – is going to (a) raise substantial [but undetermined] amounts of money, (b) acquire new oil and gas leases with the funds invested, (c) drill new wells on the leases acquired, and (d) then pay a small fraction of the profit from those wells to his unsecured creditors. But Van Dyke and the companies that he controls have never been able to accomplish such goals. To the contrary, Van Dyke and his companies has a long (and well-documented) history of breaching major contracts, defrauding his investors, and failing to pay judgments against him. Van Dyke’s prior malfeasance is reflected in the findings, orders, judgments, and transcripts of the following lawsuits:

- *Anglo-Dutch Petroleum International, Inc., et al. v. Greenberg Peden, et al.*, Cause No. 2004-20712 in the 61st District Court of Harris County, Texas — \$1.7 million+ judgment against Anglo-Dutch Petroleum International, Inc. and Anglo-Dutch (Tenge) LLC, both of which were controlled by Van Dyke. Judge John Donovan issued findings on October 29, 2007 establishing that, in 2006, Anglo-Dutch Petroleum International, Inc. had made three transfers of funds totaling more than \$19 million “**at the direction of [Scott] Van Dyke ... with the actual intent to hinder, delay, or defraud**” the creditors of Anglo-Dutch Petroleum International, Inc.¹
- *Case Funding Network, LP, et al. v. Anglo-Dutch Petroleum International, Inc., et al.*, Cause No. 2004-23845, styled in the 127th District Court of Harris County, Texas — judgments totaling \$500,000+ in favor of multiple plaintiffs against Anglo-Dutch Petroleum International, Inc. [“ADPI”] and Anglo-Dutch (Tenge) LLC [“ADT”], both of which were controlled by Van Dyke. Judge R. K. Sandhill issued the following “Findings of Fact and Conclusions of Law,” among many others, on April 25, 2012:

“Finding of Fact No. 4. Scott Van Dyke (hereinafter “Van Dyke”) has been the majority owner of ADPI and ADT since their formation and remains the majority owner of ADPI and ADT today.

Finding of Fact No. 5. Van Dyke acted for and on behalf of ADPI and ADT at all times material to this case.” ...

“Conclusion of Law No. 5. **ADPI and ADT fraudulently induced Mr. Press, Prosperity and Anzar to each sign a Settlement & Release of Claims Investment Agreement agreeing to take less than the amounts due each of them** under their respective Claims Investment Agreement(s) because (a) they made material misrepresentations to each of them, (b) they made such misrepresentations with knowledge of their falsity or made them recklessly

¹ A Final Judgment based on this fraudulent transfer was signed by Judge Vanessa Gilmore last month in *Eva. S. Engelhart, Chapter 7 Trustee of Anglo-Dutch Petroleum International, Inc. v. Scott Van Dyke*, C.A. No. 4:19-cv-02894 in the United States District Court for the Southern District of Texas.

without knowledge of their truth and as a positive assertion, (c) they made such misrepresentations with the intent that they be acted on by each Plaintiff and (d) such Plaintiff relied on such misrepresentations and thereby suffered injury.”

At a subsequent hearing on April 27, 2012, Judge Sandhill stated on the record that “This was a way for Mr. Van Dyke to finance a lawsuit and **Mr. Van Dyke found a way that he could make some money and screw his investors and that’s what he did.**”

- *Builders West Inc. v. Scott Van Dyke*, Cause No. 2011-54019 in the 113th District Court of Harris County, Texas — judgment of \$900,000+ against Van Dyke, based on his breach of contract. This judgment was affirmed on appeal, and remains unpaid
- *Michael Noel et al. v. Scott Van Dyke, et al.*, Cause No. 2018-34037 in the 127th District Court of Harris County, Texas — judgments totaling \$1,500,000+ against Anglo-Dutch Energy LLC and Van Dyke, based on loans and investments made by Dr. Noel. Van Dyke has paid nothing on account of these judgments.²

2. **The Plan is not fair and equitable, nor filed in good faith.** The Plan proposes to pay Van Dyke an average of \$60,000.00 per month, while he continues to live in a house appraised at \$5 million+. Meanwhile, his unsecured creditors would receive about two cents (2¢) on the dollar, paid *pro rata* over five years – but only if Van Dyke were to somehow accomplish something he has never done before: (a) raise new capital, (b) acquire new oil and gas leases, (c) drill new wells, and (d) pay a small part of the profits to his creditors. Separately, the income tax returns filed by Van Dyke and his companies reflect large and consistent losses over the years. It defies belief that he would somehow start operating a brand-new venture at a profit. As written, the Plan is crafted

2 Dr. Noel is currently seeking a determination that these debts are non-dischargeable in Ad. Proc. No. 2021-06008, pending in this Court.

to allow Van Dyke to maintain his multi-million-dollar lifestyle, while his unsecured creditors would receive phony promises of payment. The Plan is simply unconscionable, and fails to comply with 11 USC §§1129(a)(3). Even if the Court were to believe the fanciful projections made by the Debtor, confirmation should be denied because the Plan fails to distribute an amount equal to Van Dyke's "disposable income," as required by 11 USC §§1191(c)(2).

3. **Request for Relief.** Based upon the forgoing, confirmation of the Plan should be denied.

Respectfully submitted,

/s/ David S. Elder

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ATTORNEYS FOR MICHAEL L. NOEL

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2021, a true and correct copy of the foregoing pleading was served via CM/ECF to all parties authorized to receive electronic notice in this case and/or to the parties on the attached service list not receiving ECF.

/s/ David S. Elder

David S. Elder

Label Matrix for local noticing
0541-6
Case 21-60052
Southern District of Texas
Victoria
Mon Dec 13 10:52:22 CST 2021

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Cadence/Superior Bank
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

BBVA Compass
 Attn: Bankruptcy
 PO Box 10566
 Birmingham, AL 35296

Chase Card Services
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Echelon Analytics, LLC
 1717 Main St Ste 3380
 Dallas, TX 75201

Phoenix Financial Services, LLC
 Attn: Bankruptcy
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 Indianapolis,, IN 46236

Titlemax of Texas
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 Savannah, GA 31401-2686

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Anzar Settlement Funding Corp.

(u)Builders West, Inc.

(u)Cadence Bank, N.A.

(u)Littlemill Limited

(u)Philadelphia Indemnity Insurance Company

(u)Prosperity Settlement Funding, Inc.

(u)Andrea Lore, Individually and in Her Capac

(du)Anzar Settlement Funding Corp.

(u)Cadence Bank

(u)Eva S. Engelhart, in Capacity as Chapter 7

(du)Littlemill Limited

(du)Philadelphia Indemnity Insurance Company

End of Label Matrix	
Mailable recipients	34
Bypassed recipients	15
Total	49

Anzar Settlement Funding Corp
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